IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6238 of 2007(P)

PETITIONER:

C.M.ALEXANDER, EXCISE PREVENTIVE
OFFICER, EXCISE INTELLIGENCE AND INVESTIGATION
BUREAU, ALAPPUZHA.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE JOINT EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MR.BIJOY CHANDRAN
ADV. SRI.P.RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

W.P.(C) No.6238 of 2006

Dated, this the 28th day of February, 2007

JUDGMENT

The petitioner is borne on the cadre of Preventive Officer in the Excise Range Office, Alappuzha. Ext.P2 is the provisional list prepared and published by the second respondent inviting objections from aggrieved persons. Until the final list is prepared and published, Ext.P2 provisional list will have to hold the field. Promotions and reversions in the meantime shall be governed by the inter se seniority position in Ext.P2 list. Based on the above contention, the petitioner submits that his turn for promotion to the post of Assistant Excise Inspector would reach immediately on rank No.775 gets promoted, for, the rank assigned to him in Ext.P2 list is 776. It is pointed out that 28 vacancies of Assistant Excise Inspectors are presently available. Ext.P9 representation was filed by the petitioner before the second respondent in the above background.

2. Having heard counsel for the petitioner and Government Pleader for the respondents, I think, the writ petition can be

disposed of issuing appropriate directions to the second respondent.

3. There shall be an order directing the second respondent to consider Ext.P9 in the light of the rank assigned to the petitioner in Ext.P2, the number of vacancies presently lying unfilled and Ext.P3 judgment of the Division Bench . This shall be done, as expeditiously as possible, in any event, within three weeks from the date of receipt of a copy of the judgment along with a copy of the writ petition.

Sd/-
K.K.DENESAN,
JUDGE

vns

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o Judge